



US Army Corps  
of Engineers  
Seattle District



WASHINGTON STATE  
DEPARTMENT OF  
ECOLOGY

# Joint Public Notice

## Proposal for a Wetland Mitigation Bank

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**Public Notice Date: December 21, 2015**  
**Expiration Date: January 20, 2016**

**Reference No.:** NWS-2015-413  
**Name:** Wapato Valley Wetland and  
Conservation Bank

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and Washington Department of Ecology (Ecology) are considering a proposal to establish the Wapato Valley Mitigation and Conservation Bank near Ridgefield, Clark County, Washington.

**BANK SPONSOR CONTACT:** Kelley Jorgensen  
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**LOCATION:** The proposed project is located north of the City of Ridgefield in Clark County, Washington, in portions of Sections 1, 2, 11, and 12, and Donation Land Claim 37 of Township 4 North, Range 1 West, Willamette Meridian (see attached Figure 1 Proposed Bank Location). The site is located at the confluence of the Lewis River with the Columbia River, in Water Resource Inventory Area (WRIA) 27 (Lewis River watershed). The site is bordered by Burlington Northern Santa Fe railroad to the east, the Lewis River to the north, the Columbia River to the west, and Gee Creek and the Ridgefield National Wildlife Refuge to the south. The site is located in the lower floodplain in the freshwater tidally-influenced portion of the Lower Columbia River at River Mile (RM) 87, below the Bonneville Dam (RM 146) which is the most downstream dam on the mainstream Columbia River.

The Bank site is approximately 876 acres, and it is comprised of portions of three parcels (217798000, 218003000, and 217593000). The parcels will remain under the ownership of the current landowner and Bank Sponsor, Plas Newydd Farm LLC.

**MITIGATION BANKING:** Mitigation banks provide an alternative to traditional permittee-responsible compensatory mitigation. Mitigation banks offer an opportunity to implement compensatory mitigation at a regional scale in advance of impacts. Mitigation banks establish “credits” through restoring, creating, enhancing, and/or preserving wetlands and other aquatic resources. These credits can then be sold to future permit applicants who need to offset the adverse environmental impacts of projects with wetland and aquatic resource impacts that would occur within the banks’ designated and agency approved “service area”. The document that details the bank process is the Mitigation Bank Instrument (MBI). The MBI is a legal document that is created in cooperation with the Interagency Review Team (IRT), which includes the Corps and Ecology, as Co-Chairs, and may also include the Environmental Protection Agency, and other Federal, Tribal, State, and local agencies. The MBI contains the legal language between the bank sponsor and the agencies, and the technical and procedural elements of constructing, operating, and maintaining the bank. The first stage of developing a MBI is reviewing the Prospectus of the mitigation bank proposal.

**PROJECT DESCRIPTION:** The proposed 876-acre bank site contains a diversity of habitat types including shorelines and floodplains of the Lewis and Columbia Rivers; floodplain, shoreline, and portions of Gee Creek (all are fish-bearing); forested riparian wetlands and uplands; open water lakes; forested, scrub-shrub, and emergent wetlands; mudflats; and uplands including pasture/grassland, mixed deciduous/conifer forest, conifer forest, and White Oak Woodland Priority Habitat (see attached Figure 3 Property Overview). The site is hydrologically complex and is influenced by its setting at the confluence of two major rivers, twice daily tidal backwater flooding from the Columbia River, seasonal flooding, and groundwater/hyporheic interactions. The site supports native fish and wildlife species, rare native plant communities, and multiple special-status species (Endangered Species Act-listed salmonids, Columbia white-tailed deer, Western pond turtle, and others). However, the site has been degraded by past and current human uses. The eastern and southwestern portions of the site have been degraded by cattle grazing and agricultural activities, and four berms were constructed in the southeast and south central area to impound water to create ponds for duck hunting. The upland central portion of the site is forested and is used for sustainable timber harvest. The majority of this central portion (152 acres) would be excluded from the bank, and sustainable timber harvest activities would continue there.

The proposed project location was chosen based on identified priority restoration objectives within the Lewis Watershed, as well as the Lower Columbia River Basin restoration objectives for historic floodplain environments.

The goal of the Bank is to re-establish, rehabilitate, enhance, and preserve wetland functions across the site, as well as to restore and create riparian habitat and off-channel rearing and refuge habitat, and preserve/enhance other wildlife habitat. The Bank would restore dynamic habitat forming processes by removing landscape constraints; Figure 11 Proposed Wetland Conditions and Figure 17 Proposed Fish Habitat Conditions show the conceptual design strategies for the site. The Bank would be constructed in five phases, and proposed construction activities include: removing four levees to restore freshwater tidal processes and hydrology, grading to restore channel morphology, excavating fill to restore channel gradients and wetlands, regrading floodplain elevations to support native plant communities, installing instream habitat structures, and enhancing vegetation. Proposed Bank objectives are:

- re-establish 29.70 acres of wetland by removing fill and grading upland pasture;
- rehabilitate 303.64 acres of wetland by removing levees to restore freshwater tidal flooding, filling drainage ditches, removing levees, and some regrading;
- preserve and enhance 57.36 acres of wetland;
- restore fish access to 219.0 acres of currently inaccessible, off-channel rearing habitat by removing levees and installing in-stream habitat structures;
- restore/enhance 128.24 acres of currently accessible but impaired side-channel and off-channel rearing habitat by excavating fill and restoring channel morphology, and installing in-stream habitat structures;
- enhance and preserve from logging 136.64 acres of White Oak Woodland Priority Habitat; and
- enhance 61.38 acres of upland floodplain for streaked horned lark breeding habitat.

The Bank project is also being reviewed by the National Oceanic and Atmospheric Administration /National Marine Fisheries Service (NMFS) as a fish conservation bank for Section 7 actions under the Endangered Species Act (ESA). If NMFS signs the MBI, the bank will be approved to provide compensatory mitigation, when appropriate, for impacts to species within their jurisdiction. In addition, the U.S. Fish and Wildlife Service (USFWS) may consider the bank, if authorized, for ESA Section 7 mitigation requirements to address impacts to species within their jurisdiction. The Bank project is also being reviewed by the Washington State Department of Fish and Wildlife (WDFW), and if WDFW signs the MBI, the bank will be approved to provide compensatory mitigation, when appropriate, for impacts to species and habitats within their jurisdiction.

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We are seeking comments on the proposed goals and conceptual design of the project. A more detailed description of the proposal is available in the *Prospectus for the Wapato Valley Mitigation and Conservation Bank* dated October 22, 2015.

**PROSPECTUS AVAILABILITY:** The Prospectus is available for review at the above-listed Corps and Ecology offices and can be downloaded at the following internet addresses:

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notices.html>

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PublicNotices.aspx>

**SERVICE AREA:** The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. The sponsor has proposed a service area for wetlands, Columbia River mainstem, and other waters that would include all of WRIAs 27 (Lewis River) and 28 (Salmon-Washougal), the Portland Basin as defined by geology, and all eight hydrogeomorphic reaches (A through H) of the Columbia River between RM 0 at the mouth/estuary and RM 146 at the Bonneville Dam (see attached Figure 12 Proposed Service Area).

The sponsor has proposed a service area for ESA-listed salmon and steelhead trout that would encompass the tidally-influenced reaches of the Columbia River and its tributaries within Washington and Oregon. The ESA service area would include all of WRIA 27, the extent of anadromy in WRIA 26 (Cowlitz) and WRIA 28, the Portland Basin, and the lower Willamette River. The proposed ESA service area would also include the historic floodplain of the Lower Columbia River (100-year flood elevation) between the mouth/estuary (RM 0) and the Bonneville Dam (RM 146). For all other fish, wildlife, and other ecosystem services, the Bank Sponsor anticipates multiple service areas for the various mitigated resources that they will develop with IRT input and approval.

We are seeking comments on the proposed service areas. The proposed service areas may be increased or decreased based on public and IRT comments.

**PURPOSE:** The purpose of the mitigation bank is to provide compensatory mitigation for adverse aquatic ecosystem impacts associated with activities authorized by the Corps, Ecology and other regulatory entities that occur within the service area of the bank. The use of bank credits as future compensatory mitigation would depend on case-by-case approval by the involved regulatory agencies after determining that the use of bank credits would be consistent with all applicable rules and policies of the agencies.

**ADDITIONAL INFORMATION:** The bank sponsor will work with the IRT to develop the MBI in accordance with the Federal mitigation rule, 33 CFR Parts 325 and 332 and 40 CFR Part 230, *Compensatory Mitigation for Losses of Aquatic Resources*; and the state rule, Chapter 173-700 WAC, *Wetland Mitigation Banks*, as well as other applicable State, local, and Federal requirements. For additional information on wetland mitigation banking within Washington State, please refer to the following websites:

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html>

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Mitigation.aspx>

If you are interested in receiving updates from the Washington State Department of Ecology concerning wetland mitigation banking in the state, please join their e-mail list at:

<http://www.ecy.wa.gov/programs/sea/wetlands/maillist.html>

**ENDANGERED SPECIES:** The ESA requires federal agencies to consult with the NMFS and/or USFWS pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as

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threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS.

**CULTURAL RESOURCES:** A historic properties investigation will be conducted within the proposed mitigation bank site area and will be coordinated with the Washington Department of Archaeology and Historic Preservation. The Corps will review the latest published version of the National Register of Historic Places, lists of properties determined eligible for the historic register, and other sources of information. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; federal, state, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed mitigation bank area.

**EVALUATION:** The Corps and Ecology are soliciting comments from interested parties, including the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to identify project aspects that need to be addressed during the bank review process and in the development of the MBI. Public comments will assist the IRT to determine whether or not to authorize the proposed mitigation bank. For accuracy and completeness of the record, all comments should be submitted in writing with sufficient detail to furnish a clear understanding of the reasons for that support or opposition.

**COMMENT AND REVIEW PERIOD:** Conventional mail or e-mail comments on this public notice will be accepted and made part of the record, and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include in the subject line of the e-mail message the mitigation bank name and reference number as shown below. Either conventional mail or e-mail comments must include the mitigation bank name and reference number, as shown below, and the commentator's name, address, and phone number. All comments, whether conventional mail or e-mail, must reach the Corps and Ecology no later than the expiration date of this public notice to ensure consideration.

**CORPS COMMENTS:** All e-mail comments should be sent to [gail.m.terzi@usace.army.mil](mailto:gail.m.terzi@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Gail Terzi, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

**ECOLOGY COMMENTS:** All e-mail comments should be sent to [kath461@ecy.wa.gov](mailto:kath461@ecy.wa.gov). Conventional mail comments should be sent to: Washington State Department of Ecology, Attention: Ms. Kate Thompson, P.O. Box 47600, Olympia, Washington 98504-7600.

**MITIGATION BANK NAME AND REFERENCE NUMBER:** To ensure proper consideration of all comments, responders must include the following mitigation bank name and reference number in the subject line of their e-mail and in the text of their comments: Wapato Valley Mitigation and Conservation Bank; NWS-2015-413.

Figures (5)